

provided under this chapter, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs authorized under this chapter.

(Pub. L. 102-484, div. A, title XIV, § 1432, Oct. 23, 1992, 106 Stat. 2566.)

DELEGATION OF AUTHORITY

Authority of President under this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

SUBCHAPTER IV—JOINT RESEARCH AND DEVELOPMENT PROGRAMS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 5861 of this title.

§ 5931. Programs with states of former Soviet Union

The Congress encourages the Secretary of Defense to participate actively in joint research and development programs with the independent states of the former Soviet Union through the nongovernmental foundation established for this purpose by section 5861 of this title. To that end, the Secretary of Defense may spend those funds authorized in section 5911(a)(1)(C) of this title for support, technical cooperation, in-kind assistance, and other activities with the following purposes:

(1) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(2) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(3) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(4) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(5) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent proliferation of weapons technologies and the dissolution of the technological infrastructure of those states.

(Pub. L. 102-484, div. A, title XIV, § 1441, Oct. 23, 1992, 106 Stat. 2566; Pub. L. 103-160, div. A, title XI, § 1182(c)(4), Nov. 30, 1993, 107 Stat. 1772.)

AMENDMENTS

1993—Pub. L. 103-160 made technical amendment to reference to section 5861 of this title to correct reference to corresponding section of original Act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5911 of this title.

CHAPTER 68A—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2295a, 6041 of this title.

§ 5951. Findings on cooperative threat reduction

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched bal-

listic missiles and launchers for such missiles, and (iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third world countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

(Pub. L. 103-160, div. A, title XII, § 1202, Nov. 30, 1993, 107 Stat. 1777.)

SHORT TITLE

Section 1201 of title XII of div. A of Pub. L. 103-160 provided that: "This title [enacting this chapter] may be cited as the 'Cooperative Threat Reduction Act of 1993'."

§ 5952. Authority for programs to facilitate cooperative threat reduction

(a) In general

Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) of this section to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) Authorized programs

The programs referred to in subsection (a) of this section are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Programs to assist in the environmental restoration of former military sites and installations when such restoration is necessary to

the demilitarization or conversion programs authorized in paragraph (5).

(7) Programs to provide housing for former military personnel of the former Soviet Union released from military service in connection with the dismantlement of strategic nuclear weapons, when provision of such housing is necessary for dismantlement of strategic nuclear weapons and when no other funds are available for such housing.

(8) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) and section 5902(b) of this title.

(c) United States participation

The programs described in subsection (b) of this section should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) Restrictions

Assistance authorized by subsection (a) of this section may not be provided to any independent state of the former Soviet Union for any year unless the President certifies to Congress for that year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this chapter, section 5902(b) of this title, or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

(Pub. L. 103-160, div. A, title XII, § 1203, Nov. 30, 1993, 107 Stat. 1778.)

DELEGATION OF FUNCTIONS

Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, provided:

Memorandum for the Secretary of State, the Secretary of Defense, [and] the Director of the Office of Management and Budget

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate:

1. to the Secretary of State the authority and duty vested in the President under section 1203(d) of the Cooperative Threat Reduction Act of 1993, Title XII of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) [22 U.S.C. 5952(d)];

2. to the Secretary of Defense the authorities and duties vested in the President under sections 1203(a),

1204, 1206, and 1207 of Public Law 103-160 [22 U.S.C. 5952(a), 5953, 5955, 5956].

The Secretary of Defense shall not exercise authority delegated by number 2 hereof with respect to any former Soviet republic unless the Secretary of State has exercised his authority and performed the duty delegated by number 1 hereof, as applicable, with respect to that former Soviet republic. The Secretary of Defense shall not obligate funds in exercise of authority delegated by number 2 hereof unless the Director of the Office of Management and Budget has made the determination that expenditures are to be counted as discretionary spending in the national defense function (050), as applicable to the funds to be transferred.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS FOR PURPOSES OF PUB. L. 106-65

Pub. L. 106-65, div. A, title XIII, §1301(a), (b), Oct. 5, 1999, 113 Stat. 792, provided that:

“(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 [113 Stat. 556] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

“(b) FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title [enacting provisions set out as notes under this section and section 5955 of this title], the term ‘fiscal year 2000 Cooperative Threat Reduction funds’ means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.”

LIMITATION ON USE OF FUNDS FOR CERTAIN PURPOSES

Pub. L. 106-65, div. A, title XIII, §§1303-1305, Oct. 5, 1999, 113 Stat. 793, 794, provided that:

“SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES

“(a) IN GENERAL.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for any of the following purposes:

- “(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.
- “(2) Provision of housing.
- “(3) Provision of assistance to promote environmental restoration.
- “(4) Provision of assistance to promote job retraining.

“(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to the authorization of appropriations in section 301 of this Act [113 Stat. 556], and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

“(c) LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

“SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY

“(a) LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

- “(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(6) [113 Stat. 793]; or

“(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

“(b) LIMITATION ON CONSTRUCTION.—No funds authorized to be appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

“(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

“(2) A detailed cost estimate for a second wing for the facility.

“(3) A certification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

“SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION

“No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for planning, design, or construction of a chemical weapons destruction facility in Russia.”

Similar provisions were contained in the following prior authorization acts:

Pub. L. 105-261, div. A, title XIII, §1303, Oct. 17, 1998, 112 Stat. 2162.

Pub. L. 105-85, div. A, title XIV, §§1403, 1405, 1407, Nov. 18, 1997, 111 Stat. 1960, 1962.

Pub. L. 104-201, div. A, title XV, §1503, Sept. 23, 1996, 110 Stat. 2732.

Pub. L. 104-106, div. A, title XII, §1203, Feb. 10, 1996, 110 Stat. 470.

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 105-261

Pub. L. 105-261, div. A, title XIII, §1301(a)(1), Oct. 17, 1998, 112 Stat. 2161, provided that: “For purposes of section 301 [112 Stat. 1960] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note) (as amended by paragraph (2)).”

LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION ACTIVITIES IN RUSSIA

Pub. L. 105-261, div. A, title XIII, §1304, Oct. 17, 1998, 112 Stat. 2163, provided that:

“(a) LIMITATION.—Subject to the limitation in section 1405(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1961), no funds authorized to be appropriated for Cooperative Threat Reduction programs under this Act [see Tables for classification] or any other Act may be obligated or expended for chemical weapons destruction activities in Russia (including activities for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility) until the President submits to Congress a written certification described in subsection (b).

“(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is either of the following certifications by the President:

“(1) A certification that—

“(A) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

“(B) the United States and Russia have made substantial progress toward the resolution, to the satisfaction of the United States, of outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement; and

“(C) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons.

“(2) A certification that the national security interests of the United States could be undermined by a policy of the United States not to carry out chemical weapons destruction activities under Cooperative Threat Reduction programs for which funds are authorized to be appropriated under this Act or any other Act for fiscal year 1999.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘Bilateral Destruction Agreement’ means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons signed on June 1, 1990.

“(2) The term ‘Wyoming Memorandum of Understanding’ means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.”

[Memorandum of President of the United States, July 16, 1999, 64 F.R. 40503, delegated to Secretary of Defense authority of President under section 1304(b)(2) of Public Law 105-261, set out above.]

Similar provisions were contained in the following prior authorization acts:

Pub. L. 105-85, div. A, title XIV, §1406, Nov. 18, 1997, 111 Stat. 1961.

Pub. L. 104-106, div. A, title XII, §1209, Feb. 10, 1996, 110 Stat. 472.

REQUIREMENT TO SUBMIT SUMMARY OF AMOUNTS REQUESTED BY PROJECT CATEGORY

Pub. L. 105-261, div. A, title XIII, §1307, Oct. 17, 1998, 112 Stat. 2165, provided that:

“(a) SUMMARY REQUIRED.—The Secretary of Defense shall submit to Congress as part of the Secretary’s annual budget request to Congress—

“(1) a descriptive summary, with respect to the appropriations requested for Cooperative Threat Reduction programs for the fiscal year after the fiscal year in which the summary is submitted, of the amounts requested for each project category under each Cooperative Threat Reduction program element; and

“(2) a descriptive summary, with respect to appropriations for Cooperative Threat Reduction programs for the fiscal year in which the list is submitted and the previous fiscal year, of the amounts obligated or expended, or planned to be obligated or expended, for each project category under each Cooperative Threat Reduction program element.

“(b) DESCRIPTION OF PURPOSE AND INTENT.—The descriptive summary required under subsection (a) shall include a narrative description of each program and project category under each Cooperative Threat Reduction program element that explains the purpose and intent of the funds requested.”

AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSILE MATERIALS

Pub. L. 104-106, div. C, title XXXI, §3131, Feb. 10, 1996, 110 Stat. 617, provided that:

“(a) AUTHORITY.—The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissile materials in Russia.

“(b) SEMI-ANNUAL REPORTS ON OBLIGATION OF FUNDS.—(1) Not later than 30 days after the date of the enactment of this Act [Feb. 10, 1996], and thereafter not later than April 1 and October 1 of each year, the Secretary of Energy shall submit to Congress a report on each obligation during the preceding six months of funds appropriated for a program described in subsection (a).

“(2) Each such report shall specify—

“(A) the activities and forms of assistance for which the Secretary of Energy has obligated funds;

“(B) the amount of the obligation;

“(C) the activities and forms of assistance for which the Secretary anticipates obligating funds during the six months immediately following the report, and the amount of each such anticipated obligation; and

“(D) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Energy) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Energy has obligated funds referred to in subparagraph (A).”

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 103-337

Pub. L. 103-337, div. A, title XII, §1201, Oct. 5, 1994, 108 Stat. 2882, provided that: “For purposes of section 301 [108 Stat. 2706] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 107 Stat. 1778; 22 U.S.C. 5952(b)).”

MULTIYEAR PLANNING AND ALLIED SUPPORT

Pub. L. 103-337, div. A, title XII, §1205(a)–(c), Oct. 5, 1994, 108 Stat. 2883, provided that:

“(a) FUNDING REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report as described in subsection (b) on funding for Cooperative Threat Reduction programs with states of the former Soviet Union. The report shall be submitted at the time of the transmission to Congress of the budget justification materials for the funding request in the fiscal year 1996 budget for such Cooperative Threat Reduction programs.

“(b) MATTERS TO BE INCLUDED IN ANNUAL REPORT.—The Secretary of Defense shall include in the report under subsection (a) the following:

“(1) An estimate of the total amount that will be required to be expended by the United States in order to achieve the objectives of Cooperative Threat Reduction programs.

“(2) A multiyear plan for the use of amounts and other resources provided by the United States for Cooperative Threat Reduction programs and to provide guidance for preparation of annual budget submissions.

“(c) SUBSEQUENT REVISIONS TO REPORT.—The Secretary of Defense shall submit an updated version of the report under subsection (a) for any fiscal year after fiscal year 1996 for which the budget of the President proposes that funds be appropriated to the Department of Defense for Cooperative Threat Reduction programs.”

CONDITION ON ASSISTANCE TO RUSSIA FOR CONSTRUCTION OF PLUTONIUM STORAGE FACILITY

Section 1612 of Pub. L. 103-160 provided:

“(a) LIMITATION.—Until a certification under subsection (b) is made, no funds may be obligated or expended by the United States for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons.

“(b) CERTIFICATION OF RUSSIA’S COMMITMENT TO HALT CHEMICAL SEPARATION OF WEAPON-GRADE PLUTONIUM.—The prohibition in subsection (a) shall cease to apply upon a certification by the President to Congress that Russia—

“(1) is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

“(2) is taking all practical steps to halt such separation at the earliest possible date.

“(c) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of Congress that a key objective of the United

States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will (1) cease all production and separation of weapon-grade plutonium, and (2) halt chemical separation of plutonium produced in civil nuclear power reactors.

“(d) REPORT.—Not later than June 1, 1994, the President shall submit to Congress a report on the status of efforts by the United States to secure the commitments and achieve the objective described in subsections (b) and (c). The President shall include in the report a discussion of the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.”

[Memorandum of President of the United States, Mar. 10, 1994, 59 F.R. 14079, delegated to Secretary of State authority and duty of President under section 1612(b) and (d) of Public Law 103-160 set out above.]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5954, 5955, 5956, 5957 of this title; title 10 section 115.

§ 5953. Demilitarization Enterprise Fund

(a) Designation of Fund

The President is authorized to designate a Demilitarization Enterprise Fund for the purposes of this section. The President may designate as the Demilitarization Enterprise Fund any organization that satisfies the requirements of subsection (e) of this section.

(b) Purpose of Fund

The purpose of the Demilitarization Enterprise Fund is to receive grants pursuant to this section and to use the grant proceeds to provide financial support under programs described in subsection (b)(5) of this section for demilitarization of industries and conversion of military technologies and capabilities into civilian activities.

(c) Grant authority

The President may make one or more grants to the Demilitarization Enterprise Fund.

(d) Risk capital funding of demilitarization

The Demilitarization Enterprise Fund shall use the proceeds of grants received under this section to provide financial support in accordance with subsection (b) of this section through transactions as follows:

- (1) Making loans.
- (2) Making grants.
- (3) Providing collateral for loan guaranties by the Export-Import Bank of the United States.
- (4) Taking equity positions.
- (5) Providing venture capital in joint ventures with United States industry.
- (6) Providing risk capital through any other form of transaction that the President considers appropriate for supporting programs described in subsection (b)(5) of this section.

(e) Eligible organization

An organization is eligible for designation as the Demilitarization Enterprise Fund if the organization—

- (1) is a private, nonprofit organization;

(2) is governed by a board of directors consisting of private citizens of the United States; and

(3) provides assurances acceptable to the President that it will use grants received under this section to provide financial support in accordance with this section.

(f) Operational provisions

The following provisions of section 5421 of this title shall apply with respect to the Demilitarization Enterprise Fund in the same manner as such provisions apply to Enterprise Funds designated pursuant to subsection (d) of such section:

(1) Subsection (d)(5), relating to the private character of Enterprise Funds.

(2) Subsection (h), relating to retention of interest earned in interest bearing accounts.

(3) Subsection (i), relating to use of United States private venture capital.

(4) Subsection (k), relating to support from Executive agencies.

(5) Subsection (l), relating to limitation on payments to Fund personnel.

(6) Subsections (m) and (n), relating to audits.

(7) Subsection (o), relating to record keeping requirements.

(8) Subsection (p), relating to annual reports.

In addition, returns on investments of the Demilitarization Enterprise Fund and other payments to the Fund may be reinvested in projects of the Fund.

(g) Experience of other Enterprise Funds

To the maximum extent practicable, the Board of Directors of the Demilitarization Enterprise Fund should adopt for that Fund practices and procedures that have been developed by Enterprise Funds for which funding has been made available pursuant to section 5421 of this title.

(h) Consultation requirement

In the implementation of this section, the Secretary of State and the Administrator of the Agency for International Development shall be consulted to ensure that the Articles of Incorporation of the Fund (including provisions specifying the responsibilities of the Board of Directors of the Fund), the terms of United States Government grant agreements with the Fund, and United States Government oversight of the Fund are, to the maximum extent practicable, consistent with the Articles of Incorporation of, the terms of grant agreements with, and the oversight of the Enterprise Funds established pursuant to section 5421 of this title and comparable provisions of law.

(i) Initial implementation

The Board of Directors of the Demilitarization Enterprise Fund shall publish the first annual report of the Fund not later than January 31, 1995.

(j) Termination of designation

A designation of an organization as the Demilitarization Enterprise Fund under subsection (a) of this section shall be temporary. When

making the designation, the President shall provide for the eventual termination of the designation.

(Pub. L. 103-160, div. A, title XII, § 1204, Nov. 30, 1993, 107 Stat. 1779.)

DELEGATION OF FUNCTIONS

For delegation of certain authorities and duties of the President under this section to Secretary of Defense, see Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, set out as a note under section 5952 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5954 of this title.

§ 5954. Funding for fiscal year 1994

(a) Authorization of appropriations

Funds authorized to be appropriated under section 301(21)¹ shall be available for cooperative threat reduction with states of the former Soviet Union under this chapter.

(b) Limitations

(1) Not more than \$15,000,000 of the funds referred to in subsection (a) of this section may be made available for programs authorized in subsection (b)(6) of section 5952 of this title.

(2) Not more than \$20,000,000 of such funds may be made available for programs authorized in subsection (b)(7) of section 5952 of this title.

(3) Not more than \$40,000,000 of such funds may be made available for grants to the Demilitarization Enterprise Fund designated pursuant to section 5953 of this title and for related administrative expenses.

(c) Authorization of extension of availability of prior year funds

To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1928), and in section 108 of Public Law 102-229 (105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

(Pub. L. 103-160, div. A, title XII, § 1205, Nov. 30, 1993, 107 Stat. 1781.)

REFERENCES IN TEXT

Section 301(21), referred to in subsec. (a), means section 301(21) of Pub. L. 103-160, div. A, title III, Nov. 30, 1993, 107 Stat. 1616, which is not classified to the Code.

Section 9110(a) of the Department of Defense Appropriations Act, 1993, referred to in subsec. (c), is section 9110(a) of Pub. L. 102-396, title IX, Oct. 6, 1992, 106 Stat. 1928, which is not classified to the Code.

Section 108 of Public Law 102-229, referred to in subsec. (c), is section 108 of Pub. L. 102-229, title I, Dec. 12, 1991, 105 Stat. 1708, as amended, which is not classified to the Code.

§ 5955. Prior notice to Congress of obligation of funds

(a) Notice of proposed obligation

Not less than 15 days before obligation of any funds for programs under section 5952 of this title, the President shall transmit to the appro-

priate congressional committees as defined in section 5957 of this title a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

(b) Reports on demilitarization or conversion projects

Any report under subsection (a) of this section that covers proposed demilitarization or conversion projects under paragraph (5) or (6) of section 5952(b) of this title shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;

(4) the extent to which military activities and production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

(Pub. L. 103-160, div. A, title XII, § 1206, Nov. 30, 1993, 107 Stat. 1781.)

DELEGATION OF FUNCTIONS

For delegation of certain authorities and duties of the President under this section to Secretary of Defense, see Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, set out as a note under section 5952 of this title.

RUSSIAN NONSTRATEGIC NUCLEAR ARMS

Pub. L. 106-65, div. A, title XIII, § 1312, Oct. 5, 1999, 113 Stat. 796, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

“(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

“(3) if the re-certification under section 1310 [113 Stat. 795] is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

“(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs [for definition, see section 1301(a) of Pub. L. 106-65, set out as a note under section 5952 of this title] that is submitted to Congress under section 1206 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

“(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

¹ See References in Text note below.

“(B) An assessment of the strategic relevance of the warheads.

“(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

“(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia’s stockpile of tactical nuclear warheads and associated fissile material.

“(2) The Secretary of Defense shall include in the annual report described in paragraph (1) the views on the report provided under subsection (c).

“(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion as an appendix in the annual report described in subsection (b), the Director’s views on the matters described in paragraph (1) of that subsection regarding Russia’s tactical nuclear weapons.”

CONGRESSIONAL REPORTS ON COOPERATIVE THREAT REDUCTION PROGRAMS

Pub. L. 104-106, div. A, title XII, §§ 1201, 1205, 1206, Feb. 10, 1996, 110 Stat. 469, 470, 471, as amended by Pub. L. 104-201, div. A, title XIV, § 1431, Sept. 23, 1996, 110 Stat. 2726; Pub. L. 106-65, div. A, title X, § 1067(6), title XIII, § 1311, Oct. 5, 1999, 113 Stat. 774, 796, provided that:

“SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

“(a) IN GENERAL.—For purposes of section 301 [110 Stat. 245] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in subsection (b).

“(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

“(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons, fissile material suitable for use in nuclear weapons, and their delivery vehicles.

“(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

“(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

“(4) Programs to expand military-to-military and defense contacts.

“SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

“(a) ANNUAL REQUIREMENT.—(1) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under section 1201 as a Cooperative Threat Reduction program, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on that proposed obligation for that program for that fiscal year.

“(2) The congressional committees referred to in paragraph (1) are the following:

“(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

“(B) The Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

“(b) MATTERS TO BE SPECIFIED IN REPORTS.—Each such report shall specify—

“(1) the activities and forms of assistance for which the Secretary of Defense plans to obligate funds;

“(2) the amount of the proposed obligation; and

“(3) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Defense) and of the private sector of the United States in the activities and forms of

assistance for which the Secretary of Defense plans to obligate such funds.

“SEC. 1206. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

“(a) REPORT.—(1) The Secretary of Defense shall submit to Congress an annual report on the efforts made by the United States (including efforts through the use of audits, examinations, and on-site inspections) to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for and that such assistance is being used for its intended purposes.

“(2) The report shall be submitted under this section not later than January 31 of each year and shall cover the fiscal year ending in the preceding calendar year. No report is required under this section after the completion of the Cooperative Threat Reduction programs.

“(b) INFORMATION TO BE INCLUDED.—Each report under this section shall include the following:

“(1) A list of cooperative threat reduction assistance that has been provided before the date of the report.

“(2) A description of the current location of the assistance provided and the current condition of such assistance.

“(3) A determination of whether the assistance has been used for its intended purpose.

“(4) A description of the activities planned to be carried out during the next fiscal year to ensure that cooperative threat reduction assistance provided during that fiscal year is fully accounted for and is used for its intended purpose.

“(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 30 days after the date on which a report of the Secretary under subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General’s assessment of the report and making any recommendations that the Comptroller General considers appropriate.”

§ 5956. Semiannual report

Not later than April 30 and not later than October 30 of each year, the President shall transmit to the appropriate congressional committees a report on the activities carried out under programs described in section 5952(b) of this title. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation, if any, of each department and agency of the United States Government in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the private sector of the United States has participated in the activities for which amounts were obligated and expended under the programs described in section 5952(b) of this title.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under this chapter, including, with respect to proposed demilitarization or conversion projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(5) A description of how all of the activities carried out under the authority of this chapter

and other laws providing authority for cooperative threat reduction are coordinated with similar activities that are carried out under any other authority, including activities relating to military-to-military contacts, environmental restoration, and housing.

(Pub. L. 103-160, div. A, title XII, § 1207, Nov. 30, 1993, 107 Stat. 1782; Pub. L. 103-337, div. A, title XII, §§ 1202, 1208(b), Oct. 5, 1994, 108 Stat. 2882, 2887; Pub. L. 104-106, div. A, title XV, § 1504(a)(7), Feb. 10, 1996, 110 Stat. 513.)

AMENDMENTS

1996—Pub. L. 104-106 made technical corrections to directory language of Pub. L. 103-337, § 1202. See 1994 Amendment notes below.

1994—Pub. L. 103-337, § 1202(1), (2), as amended by Pub. L. 104-106, substituted “Not later than April 30 and not later than October 30 of each year,” for “Not later than April 30, 1994, and not later than October 30, 1994,” and “under programs described in section 5952(b) of this title” for “under this chapter” in introductory provisions.

Par. (3). Pub. L. 103-337, § 1202(3), as amended by Pub. L. 104-106, § 1504(a)(7)(A), substituted “the programs described in section 5952(b) of this title” for “this chapter”.

Par. (5). Pub. L. 103-337, § 1208(b), added par. (5).

EFFECTIVE DATE OF 1996 AMENDMENT

Section 1504(a) of Pub. L. 104-106 provided that the amendment made by that section is effective as of Oct. 5, 1994, and as if included in Pub. L. 103-337 as enacted.

DELEGATION OF FUNCTIONS

For delegation of certain authorities and duties of the President under this section to Secretary of Defense, see Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, set out as a note under section 5952 of this title.

§ 5957. “Appropriate congressional committees” defined

In this chapter, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 5952 of this title, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

(Pub. L. 103-160, div. A, title XII, § 1208, Nov. 30, 1993, 107 Stat. 1782.)

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5955 of this title.

§ 5958. Authorization for additional fiscal year 1993 assistance to independent states of the former Soviet Union

(a) Authorization of appropriations

There is hereby authorized to be appropriated for fiscal year 1993 for “Operation and Maintenance, Defense Agencies” the additional sum of \$979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) Authorization of transfer of funds

The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from the account “Operation and Maintenance, Defense Agencies” for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) of this section to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) Administrative provisions

(1) Amounts transferred under subsection (b) of this section shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) Coordination of programs

The President shall coordinate the programs described in subsection (b) of this section with those authorized in the other provisions of this chapter and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511) so as to optimize the contribution such programs make to the national interests of the United States.

(Pub. L. 103-160, div. A, title XII, § 1209, Nov. 30, 1993, 107 Stat. 1782.)

REFERENCES IN TEXT

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, referred to in subsec. (d), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

CHAPTER 69—CUBAN DEMOCRACY

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